IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

APPEAL FROM ORDER NO.194 OF 2004

M/s. Kushang Security & Protection Services. .... Appellants.

Versus.

S.Kumar Nation Wide Ltd. .... Respondents.

Shri Ashok Mishra for the Appellants.

CORAM : ABHAY S. OKA, J.

DATED : 10th January, 2005.

P.C.:

1. By this Appeal from Order exception is taken to the order dated 1st February 2004. By the order impugned the learned trial Judge has declined to grant ad-interim relief in favour of the Appellants/Plaintiffs.

2. The case of the Appellants/Plaintiffs is that a contract was executed in favour of the Appellants by the Respondents/Defendants by which the Appellants/ Plaintiffs agreed to provide security guards to the Respondents. The said contract has been terminated. The learned trial Judge has refused to grant ad-interim relief on the ground that, primafacie, breach of

contract can be compensated in terms of money. In my view, the approach of the learned trial Judge cannot be faulted with considering the nature of alleged claim in the suit. There is no merit in the appeal.

3. The Appeal is dismissed with no order as to costs.

4. The learned trial Judge will decide the Motion on its own merits.

5. Parties to act on authenticated copy of this order.

Judge.